IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9272 of 2005

Between:

A.U.Chary, S/o.Brahmaiah,
R/o.Brahmanakothapally (P) Nellukunduru (M),
Warangal District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Warangal Region, Warangal District.
2 The Divisional manager, APSRTC, Warangal Division, warangal Dist.
3 The Depot Manager, APSRTC, Mahabubnagar Bus Depot, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in issuing the proceeding No.E1/1(32)/94-MHBD, dated 18-11-1994 as illegal, arbitrary and unjust and consequently set aside the proceedings NO.E1/(32)/94-MHBD, dated 18-11-1994 issued by the 3rd respondent and pass such further other order or orders as this Hon'ble court may deem fit and proper under the circumstances of the case.

Counsel for the Petitioner: Mr.G.RAVI MOHAN

Counsel for the Respondents.: Smt.P.RAJANI REDDY

The Court at the admission stage made the following Order:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 18.11.1994 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one annual increment without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on notional calculation. No costs.

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(K.C.BHANU,J)

Dt:25th April, 2005

Usd

To

1 The Regional Manager, APSRTC, Warangal Region, Warangal District.
2 The Divisional manager, APSRTC, Warangal Division, warangal Dist.
3 The Depot Manager, APSRTC, Mahabubnagar Bus Depot, Warangal District.

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